

DEC 18 2006

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MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450,
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Dated: December 12, 2006 Signature:


(Daryl K. Neff)

Docket No.: SONYJP 3.0-147
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Keiji Yuzawa

Application No.: 09/812,163

Group Art Unit: 2154

Filed: March 19, 2001

Examiner: J. Chang

For: INFORMATION DISTRIBUTION
SYSTEM, INFORMATION RECEIVING
APPARATUS, INFORMATION
LISTFORMING METHOD, INFORMATION
DELETING METHOD, AND
INFORMATIONSTORING METHOD

RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

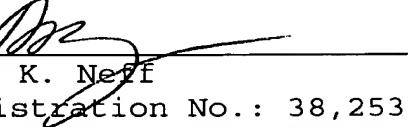
In response to the Notification Of Non-Compliant Appeal Brief mailed December 1, 2006 concerning the Appeal Brief filed September 22, 2006, an Amended Appeal Brief is submitted herewith.

No fee is believed due in this matter. However, in the event that any fee is due in connection with the foregoing,

the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

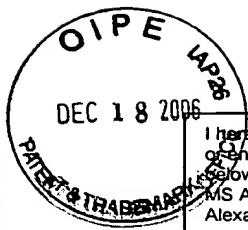
Dated: December 12, 2006

Respectfully submitted,

By 
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AMENDED APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby files this amended brief on Appeal to appeal from the final rejection of claims 25-44 mailed February 14, 2006, in response to the Notice of Panel Decision From Pre-Appeal Brief Review mailed July 17, 2006, and further in response to the Notification of Non-Compliant Appeal Brief dated December 1, 2006.

REAL PARTY(IES) IN INTEREST

The real party in interest is Sony Corporation, assignee of the present application.

RELATED APPEALS AND INTERFERENCES

None; appellants, appellants' legal representative and the assignee are not aware of any other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the presently pending appeal.

STATUS OF CLAIMS

Claims 1-24 have been cancelled by previously submitted amendment.

Claims 29, 34, 39 and 44 are cancelled by the amendment submitted September 18, 2006.

Claims 25-28, 30-33, 35-38 and 40-43 are pending herein upon entry of the amendment submitted September 18, 2006 with the appeal brief. That amendment has not yet been acted upon by the examiner.

All of the presently pending claims stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,801,747 to Bedard (hereinafter, "Bedard"), in view of U.S. Patent No. 6,177,931 to Alexander et al. (hereinafter, "Alexander et al.") and U.S. Patent No. 6,185,360 to Inoue et al. (hereinafter, "Inoue et al.").

A clean copy of the claims on appeal is attached hereto as Appendix A.

STATUS OF AMENDMENTS

An amendment submitted September 18, 2006 with the appeal brief has not yet been acted upon by the examiner. That amendment cancels claims 29, 34, 39 and 44 and makes certain minor amendments to claims 35, 36, 37, 38, 40, 41, 42, and 43 which are believed to reduce the number of issues and place the application in better condition for appeal.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention claimed in claim 35 relates to a information receiving apparatus for receiving transmitted items containing content information and claim 25 relates to a corresponding method. The claimed information receiving apparatus, e.g., user terminal 2 (FIG. 1) includes a receiver 21 which is operable to receive transmitted items, e.g. moving images, audio sound, such as from an information distribution service 1 via broadcast satellite 3 (paragraphs [0027], [0039]), and to reproduce a selected one of the transmitted items at a time selected by a user of the user terminal 2, as described in paragraph [0039], as recited in claims 35 and 25. As shown in FIG. 3, the information receiving apparatus includes a controller, e.g., a browser 54 (FIG. 3), which is operable to select some of the received items, e.g., items 101A, 101B, 101C, 101D, etc. (FIG. 4), as described in paragraphs [0036], [0040]-[0041], and [0051]-[0052] and as recited in claims 35 and 25. The selected items contain content information including at least one of moving images or audio sound as described, for example, in paragraphs [0044], [0051]-[0052]. As described, for example, in paragraphs [0077], and [0080]-[0083] of the Specification and as illustratively shown in FIG. 10 (e.g., steps S1 through S3) and FIG. 11 (e.g., steps S11 through S13), the selected items are selected on the basis of information representing access priorities for respective ones of the selected items, as recited in claims 35 and 25.

The information receiving apparatus further includes an information storing unit, e.g., storing unit 22; FIGS. 1-2, which is operable to selectively store the selected items (claims 35, 25), e.g., items 101A, 101B, 101C (FIG. 4), etc., in storing apparatus 61 (paragraph [0051], FIG. 3). Referring to

storing apparatus 61 (paragraph [0051], FIG. 3). Referring to steps S2-S3 of FIG. 10, or alternatively steps S11-S13 of FIG. 11, an information forming unit (e.g., storing unit 22) is operable to arrange each of the stored items in an order according to the access priorities (claims 35, 25), such as in an order as shown in FIG. 12, as illustratively described at paragraphs [0080]-[0083] and [0085] of the Specification.

The controller, e.g., receiver 21 (FIGS. 1-2) via browser 54 (FIG. 3), is further operable to permit the user to select one of the stored items (paragraph [0039]) containing content information at a time selected by the user, after which the controller stores the user-selected item (claims 35, 25). The controller is then operable to cause at least one of moving images or audio sound to be reproduced from the user-selected item (paragraphs [0039]-[0042]) (claims 35, 25).

As further recited in claims 36 and 26, and as illustratively described in paragraphs [0083] and [0085], the information receiving apparatus can determine the access priority of each selected item by first processing which includes associating with each of the information items category attribute information corresponding to a category assigned to the content information contained in each the information item, where the category is one of a plurality of categories. The category attribute information associated with each the transmitted item is then transmitted. Using the transmitted category attribute information at the user terminal, the number of times the transmitted items in each the category are accessed by a user are counted to obtain count values of the plurality of categories. The access priorities are then determined from the count values.

Alternatively, as recited in claims 37 and 27, the access priority of each the selected item is determined by second processing, as described in paragraph [0083]. The second processing includes associating with each of the information items priority attribute information corresponding to a priority assigned to the content information contained in each the information item, the priority being one of a plurality of priorities. Referring to FIG. 12, the priority attribute information associated with each of the transmitted items is then transmitted, and the transmitted priority attribute information is used at the user terminal to determine the access priority for each selected item.

Alternatively, as recited in claims 38 and 28, the access priority of each the selected item is determined by both first processing and second processing, as described in the Specification and illustrated by the drawings in the manner indicated in the foregoing.

In the variation of the invention that is recited in independent claim 40, there is no requirement of an information forming unit for arranging each of the stored items in order. Claim 40 requires that the controller (e.g., receiver 21) be operable to delete at least one of the items (101A, 101B, 101C, etc.) stored by the information storing unit (e.g., storing apparatus 61) in an order beginning with the stored item having a lowest one of the access priorities, as illustrated at steps S3 through S5 of FIG. 10, and described in paragraph [0084] of the Specification. The method recited in independent claim 30 has features which are similar to those recited in claim 40, and is illustrated by the same references to the Specification and figures.

Additional features of the invention recited in method claims 31-33 are similar to features recited in claims 41-43, and are illustrated by the same references to the Specification and drawings, as those which are recited in claims 36-38 and 26-38.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Applicants respectfully request this Honorable Board to review the 35 U.S.C. §103(a) rejections of the pending claims over *Bedard* in view of *Alexander et al.*, and further in view of *Inoue et al.*.

ARGUMENT - CLAIMS 25-26, 28 and 35-36, 38

The amendment submitted September 18, 2006, which as yet has not been acted upon by the Examiner, corrects a typographical type of error in claim 35, such that the preamble now recites "information" rather than "in formation." In addition, claims 36 and 38 are amended therein to correctly refer back to the information receiving apparatus, rather than "user terminal."

Applicants respectfully submit that the Examiner fails to show that the above-identified claims are obvious over the combination of references cited by the Examiner. The combination of references cited by the Examiner neither teaches nor suggests the invention as recited in claim 25. *Bedard* fails to teach at least the following features recited in claim 25: selecting some received content information-containing items on the basis of information representing access priorities; selectively storing the selected content information-containing items in the user terminal; arranging the stored items of content information in an order according to access priorities; and at a user-selected time after storing the selected items, user selecting one of the

stored items of content information and causing moving images and/or audio sound to be reproduced from the user-selected one of the stored items. *Bedard* merely shows the creation of a viewer profile array, which is then used to tailor the display of received electronic program guide (EPG) information. A user of the system described in *Bedard* has no ability to select a program to be reproduced from a set of programs that are stored locally at a user terminal based on the user's preferences.

Alexander et al. does not provide the teachings which *Bedard* lacks. The passages cited by the Examiner at col. 12 of *Alexander et al.* merely describe the reception of items according to the user's specific requests, such as "4 hours of CNN news broadcasts." (col. 12, lns. 15-16) *Alexander et al.* neither teaches nor suggests selecting such content-containing items and selectively storing them on the basis of information representing the access priorities. While *Alexander et al.* describes the use of viewer profile information in creating a "Profile Program," at best such program is used only to arrange an order for displaying **EPG information** [emphasis added] and to determine which of several stored advertisements is to be displayed, without the user's selection of such advertisements. In addition, *Alexander et al.* neither teaches nor suggests arranging stored items of information in an order according to access priorities, and at a user-selected time after storing the selected items, selecting one of the stored items by the user and causing moving images and/or audio sound to be reproduced from the user-selected item.

Finally, *Inoue et al.* fails to provide the teachings which *Bedard* and *Alexander et al.* lack with respect to the invention cited in claim 25. *Inoue et al.* neither teaches nor suggests arranging stored items of information in an order according to access priorities and at a user-selected time after storing the selected items, user selecting one of the stored

items and causing moving images and/or audio sound to be reproduced from the user-selected item.

Claim 35 recites an apparatus and contains analogous recitations. For the foregoing reasons, claim 35 is also believed to be allowable.

Claims 26, 28 and 36, 38 which depend from claims 25 and 35 stand or fall together with claims 25 and 35.

ARGUMENT - CLAIMS 30-31, 33 and 40-41, 43

Claim 40 is amended by the amendment submitted September 18, 2006 in like manner to claim 35 to correctly refer to "information" in the preamble.

Claims 41 and 43 are amended by the amendment submitted September 18, 2006 to correctly refer back to the information receiving apparatus, rather than "user terminal."

With respect to claims 30 and 40, the combination of references fails to teach or suggest the feature of deleting at least one of a plurality of stored content-containing items from the user terminal in an order beginning with the stored item having a lowest one of the access priorities. *Bedard* merely describes deleting a channel from a list of channels that is displayable as EPG information. Neither *Alexander et al.* nor *Inoue et al.* provides the teachings which *Bedard* lacks with respect to the invention recited in claims 30 and 40. Claims 31, 33 and 41, 43 which depend from claims 30 and 40 stand or fall together with claims 30 and 40.

ARGUMENT - CLAIMS 32 and 42

Claim 42 is amended in the amendment submitted September 18, 2006 to correctly refer back to the "information receiving apparatus", rather than "user terminal."

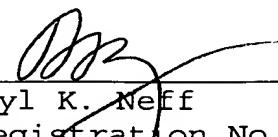
In paragraph 11 of the final Office Action dated May 24, 2006, the Examiner appears to cite the passage of *Bedard* at col. 3, lns. 33-56 as teaching the particular method of determining access priorities which is recited in claims 32 and 42. However, that passage of *Bedard* clearly fails to teach or suggest the transmitting of priority attribute information associated with each transmitted item and using the transmitted priority information to determine an access priority for each selected item.

CONCLUSION

This Honorable Board should reverse the rejections of claims 25-28, 30-33, 35-38 and 40-43.

Dated: December 12, 2006

Respectfully submitted,

By 

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APPENDIX A - CLAIMS

25. A method of transmitting items containing content information to a user terminal and reproducing a selected one of said transmitted items at a time selected by a user of said user terminal, comprising:

providing a user terminal;

transmitting information items to said user terminal, at least some of said transmitted items containing content information including at least one of moving images or audio sound;

at said user terminal, receiving said transmitted items containing content information and assigning access priorities to said received items;

selecting some of said received items containing content information on the basis of information representing said access priorities;

selectively storing said selected items in said user terminal;

arranging said stored items of information in an order according to said access priorities; and

at a user-selected time after storing said selected items, user selecting one of said stored items and causing said at least one of moving images or audio sound to be reproduced from said user-selected item.

26. The method as claimed in claim 25, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values.

27. The method as claimed in claim 25, wherein said access priority of each said selected item is determined by second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

28. The method as claimed in claim 25, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values and by second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

30. A method of transmitting items containing content information to a user terminal and reproducing a selected one of

said transmitted items at a time selected by a user of said user terminal, comprising:

providing a user terminal;

transmitting information items to said user terminal, at least some of said transmitted items containing content information including at least one of moving images or audio sound;

at said user terminal, receiving said transmitted items containing content information and assigning access priorities to said received items;

selecting some of said received items containing content information on the basis of information representing said access priorities;

selectively storing said selected items in said user terminal;

deleting at least one of said stored items from said user terminal in an order beginning with said stored item having a lowest one of said access priorities; and

at a user-selected time after storing said selected items, user selecting one of said stored items and causing said at least one of moving images or audio sound to be reproduced from said user-selected item.

31. The method as claimed in claim 30, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said

information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values.

32. The information processing method as claimed in claim 30, wherein said access priority of each said selected item is determined by second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

33. The information processing method as claimed in claim 30, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute

information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values and second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

35. An information receiving apparatus operable to receive transmitted items containing content information and to reproduce a selected one of said transmitted items at a time selected by a user, comprising:

a receiver operable to receive items containing content information transmitted to said information receiving apparatus;

a controller operable to select some of said received items, said selected items containing content information including at least one of moving images or audio sound, said selected items being selected on the basis of information representing access priorities for respective ones of said selected items;

an information storing unit operable to selectively store said selected items; and

an information forming unit operable to arrange each of said stored items in an order according to said access priorities,

said controller being further operable to permit a user to select one of said stored items containing content information at a user-selected time after storing said user-selected item and to cause said at least one of moving images or audio sound to be reproduced from said user-selected item.

36. The information receiving apparatus as claimed in claim 35, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category

attribute information at said information receiving apparatus, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values.

37. The information receiving apparatus as claimed in claim 35, wherein said access priority of each said selected item is determined by second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said information receiving apparatus to determine said access priority for each said selected item.

38. The information receiving apparatus as claimed in claim 35, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with

each said transmitted item, iii) using said transmitted category attribute information at said information receiving apparatus, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values and said second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said information receiving apparatus to determine said access priority for each said selected item.

40. An information receiving apparatus operable to receive transmitted items containing content information and to reproduce a selected one of said transmitted items at a time selected by a user, comprising:

a receiver operable to receive items containing content information transmitted to said information receiving apparatus;

a controller operable to select some of said received items, said selected items containing content information including at least one of moving images or audio sound, said

selected items being selected on a basis of information representing access priorities for respective ones of said selected items; and

an information storing unit operable to selectively store said selected items,

wherein said controller is further operable to delete at least one of said stored items in an order beginning with said stored item having a lowest one of said access priorities and to permit a user to select one of said stored items containing content information at a user-selected time after storing said user-selected item and to cause said at least one of moving images or audio sound to be reproduced from said user-selected item.

41. The information receiving apparatus as claimed in claim 40, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said information receiving apparatus counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said

plurality of categories, and iv) determining said access priorities from said count values.

42. The information receiving apparatus as claimed in claim 40, wherein said access priority of each said selected item is determined by second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said information receiving apparatus to determine said access priority for each said selected item.

43. The information receiving apparatus as claimed in claim 40, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said information receiving apparatus counting a number of times said transmitted items in each said

category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values and second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said information receiving apparatus to determine said access priority for each said selected item.

APPENDIX B - EVIDENCE

Appellant has not submitted any evidence with this Appeal Brief.

APPENDIX C - RELATED PROCEEDINGS

Appellant is not aware of any related proceedings.